

Notice of Allowability

Application No.

10/661,816

Examiner

Hal I. Kaplan

Applicant(s)

MUCHOW ET AL.

Art Unit

2836

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant's amendments dated January 26, 2007.
2. ☒ The allowed claim(s) is/are 142-155 and 157-179.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 20070125.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

The Examiner would like to thank the Applicants' representatives for the time and courtesies extended during the personal interview on January 25, 2007. As noted by Applicants' representatives, the submitted claim amendments and remarks are consistent with the issues discussed and agreements reached during the interview.

Drawings

1. The drawings were received on August 28, 2006. These drawings are accepted.

Allowable Subject Matter

2. Claims 142-155 and 157-179 allowed.
3. The following is an examiner's statement of reasons for allowance:

Claims 142-147, 154, 157-161, 169-171, 176, and 178 are allowed because none of the prior art of record discloses or suggests the claimed modified standard ISO freight container, in combination with the remaining claimed features.

Claims 148, 162, and 177 are allowed because none of the prior art of record discloses or suggests coupling a proximal end of at least one adjustable strut to one of the power generating devices and positioning a distal end of the at least one adjustable strut on the ground, in combination with the remaining claimed features.

Claims 149-153 and 163-167 are allowed because none of the prior art of record discloses or suggests the use of at least one vertical pole coupled to a corner of the housing, in combination with the remaining claimed features.

Claim 155 is allowed because none of the prior art of record discloses or suggests connecting the power generating devices to the housing to extend in at least four different directions from the housing, in combination with the remaining claimed features.

Claim 168 is allowed because none of the prior art of record discloses or suggests coupling the second array of solar panels to the housing via the first array of solar panels, in combination with the remaining claimed features.

Claims 172-175 and 179 are allowed because none of the prior art of record discloses or suggests the use of both wind and solar power generating devices, in combination with the remaining claimed features.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Amendment

4. The affidavit filed on October 18, 2006 under 37 CFR 1.131 is sufficient to overcome the Pas reference.

Response to Arguments

5. Applicant's arguments, see Remarks, filed January 26, 2007, with respect to the objections and rejections have been fully considered and are persuasive. The objections and rejections have been withdrawn.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hal I. Kaplan whose telephone number is 571-272-8587. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on 571-272-2800 x36. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

hik

Stephen W. Jackson
3-14-07

STEPHEN W. JACKSON
PRIMARY EXAMINER